

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., September 14, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the August 31, 2004 meeting and the September 8, 2004, special meeting.
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AWARDS AND PRESENTATIONS

- Proclamations
Recognition of Caroline Bruce.
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PUBLIC AGENDA

1. Mark S. Gietzen-Damages to Homes Near the 55th Street South Bridge Reconstruction Site.
 2. Mike Tyson-2932 East 21st Street North in Relationship to the New Site for Fire Station 10.
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CONSENT AGENDA

3. Report of the Board of Bids and Contracts Dated September 13, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

4. Applications for Licenses to Retail Cereal Malt Beverages:

<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Amy Prince	K & O Quickshop #29	11931 West Central
<u>New Establishment</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Jack N. Reif	Target Store T-1944	10800 East 21st Street North
Jack N. Reif	Target Store T-1945	2727 Maize Road
<u>Special Events</u>	<u>October 15, 2004 & November 19, 2004</u>	
Justin Blevins	Smooth Time Promotions Boxing Event	Indian Center, 650 North Seneca

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

5. Preliminary Estimates:

- a) 13th Street Bridge over Cowskin Creek, Phase 1 - 13th Street approx. 1/4 mile east of 119th Street West. (87N-0230-01/472-83851/715697/244113) 13th Street Bridge will be closed to thru traffic. (District V) - \$2,886,159
- b) 2004 Sanitary Sewer Reconstruction, Phase 10 - north of 31st Street South, between Meridian and 143rd Street East. (468-83866/620415/664535) Traffic shall be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV) - \$300,000
- c) Lateral 1, Main 7 Northwest Interceptor Sewer to serve Prairie Pointe Addition - north of 37th Street North, west of Maize. (468-83807/744074/480762) Does not affect existing traffic. (District V) - \$255,600
- d) Water distribution system to serve Prairie Pointe Addition - north of 37th Street North, west of Maize. (448-89949/735210/470880) Does not affect existing traffic. (District V) - \$231,000
- e) Water distribution system, Phase 1 to serve Prairie Pointe Addition - north of 37th Street North, west of Maize. (448-89950/735211/470881) Does not affect existing traffic. (District V) - \$107,800
- f) Water distribution system to serve Kiser West Addition - on 13th Street North, west of Greenwich. (448-89955/735197/470867) Does not affect existing traffic. (District II) - \$59,600
- g) 127th Street East, from the north line of Boxthorn to the north line of The Fairmont to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (472-83614/765872/ 490983) 127th Street East to be closed to thru traffic during construction. (District IV) - \$138,000

RECOMMENDED ACTION: Approve and file.

6. Petitions for Public Improvements:

- a) Construct a sanitary sewer for Shady Ridge Addition, south of Central, east of Ridge. (District V)
- b) Construct a sanitary sewer for Village Charters 2nd Addition, north of 21st, east of Tyler. (District V)
- c) Construct a sanitary sewer to serve Lots 1-6, Block B, Edward's Gardens Addition, west of Arkansas Avenue, north of 41st Street North. (District VI)
- d) Construct a storm water drain for Prairie Pointe Addition, north of 37th Street North, west of Maize. (District V)
- e) Pave 37th Street North, from Maize to Manchester. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

7. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

8. Agreements/Contracts:

- a) Respread assessments: Southern Ridge Addition - south of Pawnee, west of Maize. (District IV)
- b) Respread assessments: Common Areas and facilities of Clubhouse Villas at Wilson Estates Condominium, being Lot 5, Block 1, Legacy Park Wilson Estates Addition and Lot 1, Block 1, Wilson Estates Medical Park Addition – south of 21st Street North, west of Webb Road. (District II)
- c) Respread assessments: Lot 21, Block 9, Evergreen Addition – south of 29th Street North, west of Maize. (District V)
- d) Assignment of lease of antenna site at McDonald Golf Course. (District II)
- e) Consultant services for acquisition and relocation – Cowskin Creek Channel Improvements – Kellogg to Maple. (District V)
- f) Renewal of Environmental Lead Investigation Contract with the Kansas Department of Health and Environment.
- g) Contract for Gilbert-Mosley Groundwater Sampling.
- h) Amendment to Agreement for Gilbert-Mosley Consulting Services.
- i) North Sanitary Sewer Area Engineering Services Agreement (District VI)
- j) Kansas Minority Business Development Council.
- k) Intersection of 13th and Broadway. (District VI)-Supplemental.

(Item 8 continued)

- l) 27th Street North, from Arkansas to Market. (District VI)-Supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

9. Design Services Agreements:

- a) South Hydraulic Park and Wyatt Addition, south of 46th Street South, between Lulu and Hydraulic. (District III)
- b) Turkey Creek Addition, north of Pawnee, west of 119th Street West. (District IV)
- c) Prairie Pointe Addition, north of 37th Street North, west of Maize. (District V)
- d) Savanna at Castle Rock Ranch 10th Addition, west of 143rd Street East, north of 13th. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

10. Change Order: Sanitary Sewer Reconstruction in an Area Bounded by Lincoln, Oliver, Harry and Bluff Streets. (District III)

RECOMMENDED ACTION: Approve the change orders; authorize the necessary signatures.

11. Proposed Assessment Rolls.

Proposed Assessment Rolls have been prepared for fifty (50) paving projects and it is necessary to set a public hearing date. Informal hearing with City personnel will be held October 4, 2004 at 11:00 a.m.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Rolls for 9:30 a.m., Tuesday, October 19, 2004, and direct the City Clerk to publish the notices of hearing at least Once not less than 10 days prior to the date of the hearing.

12. Contracts & Agreements, Professional Contracts under \$10,000 and Annual Maintenance Contracts over \$10,000 for August 2004.

RECOMMENDED ACTION: Receive and file the report.

13. Property Acquisitions:

- a) Permanent easement over a portion of 750 East 21st Street North for 21st Street Bridge over Chisholm Creek. (District VI)
- b) Southeast corner of Hillside and Second Street: Hillside, Kellogg to Central. (District II)
- c) Portions of the abandoned Union Pacific Rail Corridor for the Midtown Greenway. (District VI)
- d) Portion of 777 West Central for the River Corridor Improvement Project. (District VI)

RECOMMENDED ACTION: Approve budget and contracts and authorize the necessary signatures.

14. Playground Rehabilitation. (Districts I, III, and IV)

RECOMMENDED ACTION: Approve the bonding resolution; authorize initiation of the project and the necessary signatures.

15. O.J. Watson Park Improvements. (District III)

RECOMMENDED ACTION: Approve the bonding resolution; authorize initiation of the project and the necessary signatures.

16. South Arkansas River Greenway Improvements. (District III)

RECOMMENDED ACTION: Approve the bonding resolution; authorize initiation of the project and the necessary signatures.

17. Banking Services Resolution.

RECOMMENDED ACTION: Adopt the Resolution appointing George R. Kolb and Kelly Carpenter and granting them authority to execute banking documents on behalf of the City of Wichita.

18. Nuisance Abatement Assessments.

RECOMMENDED ACTION: Approve the proposed assessments and place the Ordinance on first reading.

19. Declining of Grant Award-Grinder for Brooks Landfill.

RECOMMENDED ACTION: Decline the grant award from KDHE and return the Funds received as an advance.

20. 2005-2006 KANSAS CLICKS Special Traffic Enforcement Program (STEP) Grant.

RECOMMENDED ACTION: Approve the application and receipt of funds; and authorize the necessary signatures.

21. Grant for Environmental Education-KS Department of Wildlife & Parks.

RECOMMENDED ACTION: Approve the grant application and acceptance of the grant; and authorize the necessary signatures.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

22. ZON2004-20-Zone change from Two-family Residential to General Office. Generally Located One Block East of the Douglas Avenue-West Street Intersection, more Specifically 300-Foot Northeast of the Douglas Avenue-McComas Avenue Intersection. (District VI)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District; place the Ordinance establishing the zone change on first reading.
2. Modify the recommendation of the MAPC.
3. Denial.

23. *A 04-21-Request to Annex Land Located Near the Southwest Corner of the Intersection of 29th Street North and Maize Road. (District V)

RECOMMENDED ACTION: Approve the annexation request and place the Ordinance on first reading.

24. *VAC2003-16-Request to Vacate Temporary Easements Dedicated by Separate Instruments, Generally Located Southwest of the Greenwich Road-Kellogg Avenue Intersection. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

25. *VAC2004-25-Request to Vacate Portions of a Platted Setback, Generally Located South of Harry Street and West of Hoover Road. (District IV)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

26. *VAC2004-31-Request to Vacate a Portion of Street Right-of-Way Located Northeast of the Waco Avenue and Central Avenue Intersection. (District VI)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

27. *SUB2003-127-Plat of Harvest Ridge Commercial Addition, Located on the North Side of K-42 Highway and West of Maize Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures. Adopt the resolution and approve first reading of the Ordinance.

28. *SUB2004-23-Plat of Blue Lake Addition, Located West of West Street and on the North Side of MacArthur Road. (District IV)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary Signatures and adopt the resolution.

29. *SUB2004-36-Plat of Fontana Addition, Located on the East Side of 119th Street West and on the North Side of 29th Street North. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the resolutions.

30. *SUB2004-82-Plat of Southern Ridge Second Addition, Located on the South Side of Pawnee, West of Maize Road. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the resolutions.

31. *CUP2002-00038-(DP-67 Amendment #5) and ZON2002-00055-Extension of Time to Complete the Platting Requirement for an Amendment to the Northborough Community Unit Plan (CUP) and a Zone Change from General Office and Multi-Family Residential to Office Warehouse. Generally Located South of 21st Street North and East of Woodlawn. (District II)

RECOMMENDED ACTION: Approve extension of time to complete platting to November 30, 2004.

32. *Programmatic Agreement Between the City of Wichita, the Kansas State Historic Preservation Officer and the Advisory Council on Historic Preservation Regarding the Administration of Section 106 Requirements and Properties Affected by the use of Housing and Urban Development Funds.

RECOMMENDED ACTION: Authorize the City Manager to sign the Programmatic Agreement.

33. *Exception to the Requirements of Code Section 2.12.020(7) Dealing with Mandatory Attendance at City Board of Commission Meetings.

RECOMMENDED ACTION: Recognize Mr. Hernandez's military obligation and grant an exception to the attendance requirements of Section 2.12.020(7) for as long as Mr. Hernandez has extra local military duty.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

34. AMPCO System Parking-Supplemental Agreement No. 1 - Remote Parking lot-Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the supplemental agreement and authorize the necessary signatures.

35. Midfield Road Site Development Security Gates and Parking Lot Improvements Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the supplemental agreement and authorize the necessary signatures.

36. Remote Parking Lot, Wichita Mid-Continent Airport-Supplemental.

RECOMMENDED ACTION: Approve the supplemental agreement and authorize the necessary signatures.

37. Airfield Pavement-Taxiway "A", "A-1", and North General Aviation Taxilane Reconstruction Supplemental Agreement 1, Wichita Mid-Continent.

RECOMMENDED ACTION: Approve the supplemental agreement and authorize the necessary signatures.

38. Taxiway "H", "H-1" Construction Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the contract; adopt the resolution; approve the capital budget and authorize the necessary signatures.

39. Agreement-U.S. Dept. of Agriculture.

RECOMMENDED ACTION: Approve the Agreement and authorize the necessary signatures.

39a. Remote Parking Lot, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the contract, adopt the resolution, approve the capital budget adjustment and authorize the necessary signatures.

CITY COUNCIL

40. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

OLD BUSINESS

41. Revision of Animal Maintenance Code.
(Continued from August 3, 2004)

During initial presentation of revisions on August 3, Council members expressed concerns relative to existing enclosures, particularly for horses. Subsequent questions were directed to staff concerning slaughter of animals in residential areas. Environmental Health staff has modified the proposed code to address those concerns.

RECOMMENDED ACTION: Place the Ordinance on first reading.

UNFINISHED BUSINESS

42. Appeal of Historic Preservation Board action Regarding Demolition of 1315 North Broadway, HPC2004-00105. (District V)
(Continued from August 3, 2004)

This Item was originally heard at the August 3, 2004, City Council meeting and was deferred until September 14, with instructions that Staff meet with the property owner and adjacent property owners to discuss alternatives to demolition.

RECOMMENDED ACTION: Affirm the board decision and deny the request for demolition.

- 42a. CON2003-00008-Conditional Use for a Wireless Communication Facility. Generally located south of Kellogg and east of Woodlawn-additional findings. (District II)
(Deferred from August 31, 2004)

RECOMMENDED ACTION: Based upon review of the records of this matter and the Court Order of July 22, 2004, adopt the additional findings.

NEW BUSINESS

(9:30 a.m. or soon thereafter)

43. Repair or Removal of Dangerous and Unsafe Structures. (District III)

On August 3, 2004 a report was submitted with respect to the dangerous and unsafe conditions on the property below. The Council adopted a resolution providing for a public hearing to be held on this condemnation action at 9:30 a.m. or soon thereafter, on September 14, 2004.

Property Address

a. 2869 South Davidson

Council District

III

RECOMMENDED ACTION: Close the public hearing, adopt the resolution declaring the building a dangerous and unsafe structure, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of September 14, 2004; (2) the structures have been secured as of September 14, 2004 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of September 14, 2004 and will be so maintained during renovation.

44. Authorize a Second Five-Year Tax Exemption, ZTM, Inc. (District III)

On March 21, 2000, City Council approved an Economic Development Tax Exemption (EDX) for ZTM, Inc. (ZTM) to assist with expansion of the companies manufacturing operations. ZTM requests City Council extend the tax exemption to include the second five-years on the ad valorem tax exemption.

RECOMMENDED ACTION: Approve the extension of the property tax exemption for ZTM for a second five-year period.

45. Request for Letter of Intent for Tax-Exempt Industrial Revenue Bonds and Resolution of Support for Low Income Housing, Calvary Towers Apartments. (District I)

Mennonite Housing Rehabilitation Services, Inc., is requesting City Council approval of a six-month Letter of Intent for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$3,800,000.00.

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the MHRS application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement and approve a Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$3,800,000.00, subject to the Standard Letter of Intent Conditions.

46. Ordinance Change to the City of Wichita Residential Building Code (Title 18.06).

The City of Wichita's Residential Building Code (Title 18.06) incorporates the 2000 International Residential Code developed by the International Code Council. This national model code is amended, as necessary, to meet local needs and conditions.

RECOMMENDED ACTION: Place the Ordinance amending Title 18.06 of the Code of the City of Wichita on first reading.

47. Ordinance Change to the City of Wichita Mechanical Code (Title 22).

The City of Wichita's Mechanical Code (Title 22) incorporates the 2000 International Mechanical Code developed by the International Code Council. This national model code is amended, as necessary, to meet local needs and conditions.

RECOMMENDED ACTION: Place the Ordinance amending Title 22 of the Code of the City of Wichita on first reading.

48. HUD Consolidated Plan Annual Performance and Evaluation Report.

The City is required to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) for projects covered by the HUD Consolidated Plan.

RECOMMENDED ACTION: Approve the HUD Consolidated Annual Performance and Evaluation Report, close the Public Hearing and authorize submission to the U.S. Department of Housing and Urban Development.

49. Intelligent Transportation System (ITS) Agreement between the City of Wichita, Sedgwick County and the Kansas Department of Transportation.

The City of Wichita, Sedgwick County and the Kansas Department of Transportation (KDOT) signed a Memorandum of Agreement (MOU) in January 2002 to share the costs and responsibilities for the design and implementation of an Intelligent Transportation System for the Wichita-Sedgwick County Area.

RECOMMENDED ACTION: Approve the Agreement.

50. Resolution of Support for Low Income Housing Tax Credit Application; Calvary Towers Senior Apartments. (District I)

The City has received a request from Mennonite Housing Rehabilitation Services, Inc. (MHRS), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the re-development/rehabilitation of the Calvary Towers Senior Apartments.

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the MHRS application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement, and authorize the necessary signatures.

51. Petition to Pave 51st Street North, from Meridian to Approximately 600 feet East of Meridian. (District VI)

The signatures on the Petition represent 5 of 6 (83.33%) resident owners and 36.71% of the improvement district area.

RECOMMENDED ACTION: Approve the Petition and adopt the resolution.

52. Grove left Turn Lane at First Street. (District I)

On May 5, 2003, representatives of the Uptown Neighborhood Association presented a proposal to District I Advisory Board to construct a left turn lane on Grove at the north approach to 1st Street.

RECOMMENDED ACTION: Approve the project and place the ordinance on first reading.

Adjournment

Workshop to follow